

THE UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LOUIS T. WILLIAMS

Plaintiff,

vs.

Case No. 07-10311

HONORABLE BERNARD A. FRIEDMAN
HONORABLE STEVEN D. PEPE

SUNRISE WINDOW,

Defendants.

ORDER GRANTING MOTION FOR EXTENSION (Dkt. #8)

On January 19, 2007, Plaintiff filed a Complaint and Motion for Other Relief. At that time, Plaintiff also filed Applications both to Proceed In Forma Pauperis and for Appointment of Counsel (Dkt. ##1, 2, 3). On February 2, 2007, Plaintiff's Application to Proceed In Forma Pauperis was granted, and his Application for Appointment of Counsel was denied (Dkt. ## 3, 4).

On July 18, 2007, the Court issued an Order to Show Cause requiring Plaintiff "to show cause, within 10 days of receipt of this order why a Report and Recommendation of dismissal of this matter under Rule 4(m), Federal Rules of Civil Procedure should not be entered on account of Plaintiff's failure to effectuate service of summons and complaint on this matter" (Dkt. #7). Plaintiff filed a Response Order to Show Cause on July 27, 2007 (Dkt. #8). All pretrial proceedings were referred to the undersigned on March 22, 2007, pursuant to 28 U.S.C. § 636 (b)(1)(A).

For the reasons indicated below, **IT IS ORDERED THAT PLAINTIFFS MOTION IS GRANTED.:**

Rule 4(m), Federal Rules of Civil Procedure, provides that:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effective within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

Plaintiff's Response to Order to Show Cause recognizes his failure to file service of summons and the complaint upon the Defendant. Plaintiff claims this failure is due to Plaintiff's not receiving a copy of the Order on Application to Proceed In Forma Pauperis , and has requested additional time to correct this matter while procuring counsel. Plaintiff's Motion to Show Cause is **GRANTED** for an extension of time to make service upon the Defendant.

IT IS FURTHER ORDERED that on or before September 28, 2007, Plaintiff shall serve the summons and complaint upon the Defendant.

SO ORDERED.

Date: August 17, 2007
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2007, I electronically filed the foregoing paper with the Clerk Court using the ECF system which will send electronic notification to the following: not applicable, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Louis T. Williams, 224 Rockingham, Toledo, OH 43610

s/ James P. Peltier
James P. Peltier
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